

April 26, 1991
REPORT TO THE COMMITTEE
ON PUBLIC SERVICES AND SAFETY

ENVIRONMENTAL MEDIATION PROGRAM

On June 20, 1990, the Public Services and Safety Committee directed the City Manager to continue funding for the Environmental Mediation Program for fiscal year 1991. The Mediation Program was created in 1989 as one of the components of the Environmental Court Project--a joint project with the University of San Diego Law School.

The continuation of the Mediation Program for fiscal year 1992 is in doubt. During the first year of its operation in fiscal year 1990 the Mediation Program was jointly funded by the City and the University of San Diego Law School as part of the Environmental Court Project. Last fiscal year the funding was derived from a combination of sources: the Building Inspection Department, Enterprise Fund, General Fund, and the Code Enforcement Civil Penalties Fund. For fiscal year 1992, the Mediation Program budget is \$130,850. A copy of the Mediation Program's proposed budget for fiscal year 1992 is attached to this report as exhibit one.

In the short term, I would urge continued funding of the Mediation Program for fiscal year 1992. As an alternative to administrative and judicial actions, the City of San Diego code enforcement departments have successfully used mediation to obtain voluntary compliance with violations of our land-use regulations. The success of the Program is impressive--to date the Program has mediated almost 300 cases, obtained written agreements in 95% of these cases which have resulted in a compliance rate of 75%. Code enforcement departments are pleased with this success and with the significant cost savings in staff time compared with litigation and other code enforcement remedies. Property owners are especially satisfied with the opportunity to work with the City and leave the mediation process with a renewed confidence in local government. A more detailed account of the Mediation Program is provided in the attached outline from Program Director Susan Quinn.

In the long term, my staff, as the contract administrator for the Mediation Program, will evaluate the feasibility and implications of the following questions:

- (1) Whether or not the Mediation Program should

permanently become part of the City; housed either within the City Attorney's or City Manager's Office?

(2) If not, what type of multi-year contract should be developed with a neutral, non-profit entity?

Further delay to adequately study these complicated questions would probably prevent the Mediation Program from providing continuous services after July 1, 1991. Therefore, I would recommend that existing funds be identified for fiscal year 1992 and that we return to this Committee in January 1992 with a detailed report addressing a more permanent arrangement for the Mediation Program.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachments

RC-91-20